


FERC Coordination

Project Development and Environmental Analysis Branch		Approved: Version: 1.0
[Contents]		
Purpose Background Responsibility Procedures Contact Information	(Any additional sections that may be needed)	

Purpose

To guide the PDEA Staff regarding coordination when a proposed project impacts a non-federal hydropower project.

Background

The Office of Hydropower Licensing, a division of the Federal Energy Regulatory Commission (FERC), regulates and licenses non-federal hydropower projects that affect federal lands, are located on navigable waters, or produce energy that is used in interstate commerce. Hydropower projects owned and operated by the Tennessee Valley Authority, the U.S. Army Corps of Engineers, the Bureau of Land Management, or other federal agencies are considered federal projects and would not be regulated by the FERC.

A hydropower project owner is authorized by the FERC to conduct certain types of small-scale changes to the project without FERC approval. The threshold defining these types of “small-scale” changes is given in the Land Use Article of the individual license.

Highway improvements are generally not beneath this threshold. Therefore, when NCDOT requires land from a hydropower project for highway improvement purposes, the hydropower project must get approval from the FERC for the transfer of land to NCDOT, as it constitutes a major change in the hydropower project.

Therefore, the hydropower project owner needs information from NCDOT regarding the land to be acquired, purpose of the acquisition, environmental impacts of the acquisition, etc. in order to apply to the FERC for approval of the land transfer. This approval is granted in the form of a FERC license revision.

What we in PDEA affectionately call “applying for a FERC permit” is actually the process of supplying the hydropower project the information it needs to get FERC approval for a change in hydropower land ownership/use/development. Duke Power, for example, requires NCDOT to submit a “conveyance application” to accomplish this.

It is not usually necessary for NCDOT to coordinate directly with the FERC; rather, we coordinate with the plant owner, who coordinates with the FERC. The plant owner may be a utility, a co-op, or an individual.

Therefore, the process, and the information required, will vary from plant owner to plant owner. If you have a project inside a FERC-licensed hydropower project boundary, you must contact the project owner to determine the process you need to follow regarding your project. Reference the links below for additional information:

FERC (Office of Hydropower Licensing) Website

<http://www.ferc.gov/industries/hydropower.asp>

Or

Duke-Energy, some of their maps are located at

<http://www.duke-energy.com/lakes/default.asp> or

<http://www.duke-energy.com/lakes/nantahala/hydroelectric-relicensing.asp>

<http://www.duke-energy.com/lakes/catawba-wateree-relicensing.asp>

<https://www.progress-energy.com/company/electricity-system/power-plants/hydro/index.page>

Note that Progress Energy and Duke Energy are not the only owners of FERC-licensed facilities in NC. They are simply the biggest. Verifying that there is not a Duke or Progress plant in your project's vicinity does not conclude that there are no FERC-licensed facilities in the area.

Projects with FERC involvement:

Kristina Solberg (with Duke Power on Lake Norman, R-3833B, in 2008)

Marie Sutton (Duke Power on Lake James, B-3872, McDowell County, in 2006)

Stacy Oberhausen (Duke Energy on Glenville Lake and Thorpe Dam, B-3196, in 2002)

Jennifer Harris (Duke Energy on Garden Parkway, U-3321)

Responsibility

The Project Planning Engineer is responsible for identifying FERC issues early in the scoping process and coordinating with the appropriate people.

Procedures

1. Early in the planning process of a project, determine if your project is near a FERC-licensed hydropower plant. Each region has a binder with mapping and contact information for all of the FERC-licensed facilities in North Carolina. Also look at the reference links above to check for any new additions to the list.

Look for dams in your project's area, both on quad maps and aerial photography and in the field. A dam is an important indicator; however, the presence of a dam does not automatically mean that your project requires FERC involvement.

Note: Be safe rather than sorry! If there is any chance at all that your project could be inside the boundaries of a FERC-facility, proceed to the next step. Overlooking FERC involvement will cause impacts to your project schedule. Although the process is not difficult, it can be tedious and time-consuming.

2. If your project is near a FERC facility, contact the person listed to determine if your project is actually inside the boundaries of the project. If the project is upstream from a hydroelectric plant not listed, contact the owner of the plant.
3. If your project is inside the project boundaries, ask the contact person what you need to provide him or her in order to facilitate the plant's acquisition of the required FERC-license revision. Follow the process outlined by the contact person.

4. The planning document should have all coordination letters with agencies needed for the FERC. A second request from the agencies should not be needed.

Note: Normally to complete the FERC license revision and land transfer, the 404/401 permit must be completed with final permit drawings and agencies scoping response letters.

Contacts

- For suggestions to change this procedure contact: Karen Capps, kbcapps@ncdot.gov
- For questions about performing this procedure contact: Missy Pair, mpair@ncdot.gov; Pam Williams, prwilliams@ncdot.gov; Stacey Oberhausen, soberhausen@ncdot.gov

[illegible]